

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

JONATHAN DANIEL RUSHING                    §  
VS.    §        CIVIL ACTION NO. 1:04cv633  
TDCJ-ID, ET AL                                §

MEMORANDUM ORDER ADOPTING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Jonathan Daniel Rushing, an inmate confined within the Texas Department of Justice, Correctional Institutions Division, proceeding *pro se*, brought the above-styled lawsuit.

The court heretofore referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends this action be dismissed for want of prosecution pursuant to Federal Rule of Civil Procedure 41(b).

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

O R D E R

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at BEAUMONT, Texas, on this the 29 day of June, 2005.

A handwritten signature in black ink, appearing to read 'Howell Cobb', is written over a horizontal line.

HOWELL COBB  
UNITED STATES DISTRICT JUDGE